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SOME CONSIDERATIONS, Upon the Proceedings against THE KING.

Not unfit to bee reflected on by his Subjects of all sorts.

And more particularly, by those of the New Court of Power.

Printed in the yeare 1648.

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1. HIS Majeſty *Charles by the Grace of God King of Great-Britaine and Ireland, &c.* whom by violent Power only wee ſee to have beene now proceeded againſt and condemned to Death; Is your Lawfull Soveraigne King; A free Hereditary Monarch by diſcent for a thouſand yeares at leaſt, from the *Britiſh*, *Saxon* and *Norman* Races, and allied in blood to all the Princes of *Chriſtendom*; who never was ſubject by any Law, Pact, or Agreement to any Earthly Judicature whatſoever: Nor can example bee found in this, or any other Kingdome of ſuch Juriſdiction or Proceedings, againſt a Soveraigne, Free and Hereditary Monarch: Nor indeede bee conceived without horror to a Prince; Without extremeſt abnomination to ſuch a Prince as his Majeſty is, of ſuch rare Abilities, as many of you know him to bee; Of ſuch admirable Piety and Patience, and of Courage and Clemency in his higheſt adverſities and provocations; and, in a word throughout his whole time a moſt admired pattern of a Regular and Vertuous Life: Add hereto, That by the Oathes of Allegiance and Supremacy ye acknowledge him your rightfull Soveraigne King, and his Supreme Power doe ſolemnly ſweare to maintaine and defend.

2. That which is now erected and called the High Court of Juſtice, is but newly ſtarted up, through the Arbitrary power of the Army, and acts but the Armies Arbitrary Dictates without known Law, or juſt Rule of an kinde. To make way for it, the two Houſes (whoſe ſervants the Army were, truſted by them, and by their Authority upheld and maintained) were violated and brought to nothing; ſome of their Members impriſoned, others excluded,

ded, the Lords wholly paſſed by, and the proceedings of the few Commoners, now ſitting (whereof there are not paſt nine who had their election by the Legall great-Seale) either without, or directly againſt their conſent.

And whereas the ſaid new Courts authority is pretended to be from the Commons in Parliament: It is notorious; that if that houſe were full and compoſed, as it ought to bee (neither of which now is) it never had power of it ſelfe ſo much as to miniſter an Oath, or to heare and finally determine any Cauſe whatſoever, Civill or Criminall: much leſſe to delegate to others ſuch Juriſdiction as this. And then whereas the ſame is pretended to bee by and for the People; becauſe from their Repreſentative body: They are as aforeſaid; but few, not exceeding fiftie; which is hardly a tenth part of the number that ſhould bee: and yet this ſmall (but it ſeemes bold and aſſuming) pack of men, have the face to pretend the power and leave of the whole people; and becauſe the Army backs them, doubts not (bee it right or wrong) to ſet up this new Judicature; & therin with other their adherents; become at once; Judges, Accuſers, and Witneſſes; whilſt indeed the People of *England*, if their Judgements might bee truly inform'd and taken: never pretended, or aſſented to any ſuch power or proceedings; but generally doe abhorre and deteſt the ſame, as unwarranted, trayterous, and ſhamefull in the ſight of their Neighbours.

It is alleaged; That Kings are for the People; not they for Kings; whoſe Governments and Lawes riſe from the Peoples Agreements: And that therefore Kings may bee ſet aſide, and Government and Lawes changed at the Peoples pleaſure. But, it is replyed with ſounder reaſon (not to repeate again the contemptible number and condition of the now ſitting Members, and how ſmall a handfull they and the Army are in compariſon of the reſt of this People; who are not of your minde that make the Allegation)

Allegation) That Gods command or aprobation (at leaſt) muſt go with ſuch Agreement : That othewiſe, when a Law is agreed to by a People againſt Gods precept ; it loſeth the force of a Law : And if it bee not againſt his precepts : yet then it holds ſtrength and force from his Command ; which ought to bee obey'd for Conſcience ſake : And yee know, or ought not to be ignorant; That the Authority of Kings is either mediately, or immediatly derived from God himſelfe, and their Perſons ſacred in His ſight, not to bee touch'd nor violated : our Saviour never giving the leaſt countenance for ſo doing ; but the contrary ; though borne and living under Idolatrous and Pagan Princes. Nor can it bee made good ; That ever Law was made in *England* ſince it became a Monarchy but by the King ; with the aſſent of his Councell of Peeres ; or by the King with the aſſent of the Peeres, and of the Commons in Parliament repreſenting the People : Never by the Commons or People alone, without the King. Whereas heere is a Court ſet up by meere power ; and then proceedings, and Actings againſt his Majeſty, the Lawfull Supreame Soveraigne : and afterwards the Peoples Agreement is ſought for, or rather pretended to make it as Lawfull as it will bee.

3. Let us now conſider the matter they go upon ; the Charge, as it is called. It is in generall ; For *Levying Warre againſt the Parliament and People*. When it is notoriouſly known and muſt bee confeſt by all that will not bee thought willfully impudent : That the Warre on the Kings part was defenſive and juſt. For, 1. Tumults were frequently drawne downe, rabble of the meaneſt of the People, both by land and water to *White-Hall*, as well as both Houſes at *Weſtminſter*, to affront and drive away the King, and ſuch Members of either Houſe as ſided not with the Faction ; divers of their names were poſted up; threats uſed ; and that not only with impunity ; but thanks

and encouragement as friends to the Cauſe. 2. Perſons were accuſed for Treaſon by the King; who meant only to leave them to legall Tryall; and they were protected againſt him and the Lawes. 3. The Militia by Sea and Land was aſſum'd by both houſes without and againſt the King (a thing moſt improper and abſurd, and never before challeng'd as of right by Subjects from a free Soveraigne Prince) and then preſently a Power given (ſuch as it was) to fight with, kill and ſlay all that ſhould oppoſe their Militia. 4. All the Magazines of the Kingdome ſeized from his Majeſty; and himſelfe with his Court Attendance kept out of his owne Towne of *Hull* by forces under *Hotham*. 5. And then Commiſſion granted to the Earle of *Eſſex* as their Generall.

Theſe particulars with many more of this nature (too long here to inſert) were acted and owned by the two houſes; before the King ſet up his Standerd, or iſſued any Commiſſions; but thoſe of *Array*, whereof none neither were granted, till the Militia was taken from him. And it may not bee forgotten; that the King found his Commiſſions of *Array* warranted by an act of Parliament in the 5. *Hen.* 4. yet in force and unrepealed; which the King had greater ground to make uſe of, then the houſes had colour to uſurpe the Militia from him.

Now if yee liſt a little to recede from the crowde, and fall to an impartiall examination of your judgements in private, will they not tell you; That by the Lawes of the Realme 7. *E.* 1. *&c.* It undoubtedly belongs to the King alone to ſuppreſſe forces raiſed without his authority: And as in times of Peace to cauſe the Lawes to bee daily executed; ſo in caſe of force, or violation of them, to remove that force and reſtore them to freedom: And the King tooke not up Armes till his owne Rights, his Honour and his Power; the freedom of Parliament, and of the Lawes, the profeſſion of Religion eſtabliſh'd in theſe

King-

Kingdomes and the Lives, Liberties, and Properties of his Subjects, were all invaded and violated, or incroached upon in the higheſt degree: So that the War cleerly on his part was not only defenſive, but directly in purſuance of the Peoples good, the Peace of the Land, the puniſhment of evill doers, and in order to the fullfilling of the Truſt repoſed in him by God, and the Lawes of the Realme; and for the vindicating and redeeming of all oppreſſions that lay within the compaſſe of his Government: And yet his Majeſty is queſtioned and condemned for levying Warre; Which to all ſober men will appeare rather, becauſe otherwiſe the guilt will light upon his Accuſers and Condemners heads; then that the Rules which God or good men have ever preſcribed, can fix the ſmalleſt ſtayne of guilt upon him: And here would bee remembred that Maxime, often rehearſed in both houſes even ſince this Warre began; *The King can do no wrong.*

4. Conſider what now is done, and further doing (which a rationall man will tremble to think upon) is the higheſt breach of the Publique-Faith and Ingagement of the Nation made and iterated for the preſervation of his Majeſties Perſon, even ſince the Warre began; and ſince it ended too, as ſolemnly as the ſame could bee done by a people; and not only by this; but by the Scottiſh Nation likewiſe. Namely;

1. *By the Nationall Covenant.*

2. *When His Majeſty was to bee delivered at Newcaſtle to the Engliſh Commiſſioners.*

3. *By their Army when they tooke Him from* Holden-by; *and for ſix Moneths after demeaned themſelves fairly towards Him.*

4. *By the ſundry Treaties with Him for Peace; and particularly this laſt, in the Iſle of Wight, and His Conceſſions there.*

And yet after all this yee queſtion and condemn him too

for

for levying Warre. Tell me if yee can of one example in this or any other Kingdome, or State, by Military men, or Civill; when, after a Warre ended; one Party vanquisht or brought under the power of the other, after so much faith given, and such deportment towards him; that ever any man was questioned for his life, for levying the Warre.

5. Consider and lay well to heart the way of God in Judgement: Hee may bee slow to vengeance; But hee will certainly in his time and way execute it severely upon such horrid and barbarous impieties as these.

6. Lastly, Remember that old Rule; *Dormiunt aliquando Leges, Moriuntur nunquam.* The Lawes you now trample upon may sleepe, whilst the power of the Sword is abroad: they will, never dye; and they that contemne them most, may soone come to suffer under Justice of them.

27. January
1648.

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